

**Consideration of request for preliminary adoption of amendments to 312 IAC 15, which provides standards of good forest and resource management, to reflect the merging of the Classified Forest Program and Classified Wildlife Habitat Program; Administrative Cause No. 14-098F**

The Division of Forestry is proposing modifications to 312 IAC 15 for two primary reasons. First in 2006 the Classified Forest Program and Classified Wildlife Habitat Program were merged into the Classified Forest and Wildlands Program. The proposed changes update the rules to reflect the combined program. The second reason is to add an alternative parcel description method for lands being enrolled in the program. Under IC 6-1.1-6-9 “The natural resources commission may adopt rules to allow other means to describe and plat a parcel under this section.” It was unclear whether rules to describe land going in the program would still need to use a surveyor. House Bill 1307 clarified this issue and amends IC 6-6-11-9 to read “The natural resources commission may adopt rules to allow other means of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands under this section provided that the means do not result in a real property description of the parcel.” A real property description would require a surveyor.

Classified Forest Wildlands Program Rule Amendment  
Administrative Cause Number 14-098F  
June 23, 2014

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #14-

Amends 312 IAC 15-1-1, 312 IAC 15-1-4, 312 IAC 15-1-5, 312 IAC 15-1-6, 312 IAC 15-1-7, 312 IAC 15-1-8, 312 IAC 15-1-9, 312 IAC 15-1-11, 312 IAC 15-2-1, 312 IAC 15-2-4, which governs forest and resource management, to reflect the merging of the Classified Forest Program and the Classified Wildlife Habitat Program into the Classified Forest and Wildlands Program. Adds 312 IAC 15-3-1 to allow other means of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands provided that the means do not result in a real property description of the parcel. Effective 30 days after filing with the Publisher.

**312 IAC 15-1-1; 312 IAC 15-1-4; 312 IAC 15-1-5; 312 IAC 15-1-6; 312 IAC 15-1-7; 312 IAC 15-1-8; 312 IAC 15-1-9; 312 IAC 15-1-11; 312 IAC 15-2-1; 312 IAC 15-2-4; 312 IAC 15-3-1**

SECTION 1. 312 IAC 15-1-1 IS AMENDED AS FOLLOWS:

**312 IAC 15-1-1 Purpose**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 1. ~~(a)~~ The purpose of this article is to provide minimum standards of good ~~timber~~ **forest and resource** management for property that is classified as forest plantation land, ~~or~~ native forest land, **or wildland** under IC 6-1.1-6 after June 30, 1990.

~~(b) This article does not apply to property classified as forest plantation land or native forest land before July 1, 1990. (Natural Resources Commission; 312 IAC 15-1-1; filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)~~

SECTION 2. 312 IAC 15-1-4 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-4 Revocation of certification**

**Authority: IC 6-1.1-6-16**

**Affected: IC 4-21.5-3-8; IC 6-1.1-6**

Sec. 4. (a) The state forester may initiate a proceeding, under IC 4-21.5-3-8, to revoke a ~~certification issued~~ **classified status** under IC 6-1.1-6 for forest plantation land, ~~or~~ native forest land, **or wildland** if the owner violates, or allows the violation by another person of, any of the following:

(1) IC 6-1.1-6.

(2) This article.

(3) The ~~timber~~ management plan established for the real estate and included within the forest plantation land, ~~or~~ native forest land, **or wildland**.

(b) The commission is the ultimate authority for the department under this section. *(Natural Resources Commission; 312 IAC 15-1-4; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 3. 312 IAC 15-1-5 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-5 “Commercial harvest” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 5. As used in this article, “commercial harvest” means the felling or removal of ~~a tree one~~ **or more trees** for sale to, or use ~~of by~~, a person other than the owner. *(Natural Resources Commission; 312 IAC 15-1-5; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 4. 312 IAC 15-1-6 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-6 “District forester” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 6. As used in this article, “district forester” means an employee of the department who:

(1) ~~holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters~~ **is a professional forester**; and

(2) is responsible for the administration of IC 6-1.1-6 within designated counties.

*(Natural Resources Commission; 312 IAC 15-1-6; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 5. 312 IAC 15-1-7 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-7 “Management plan” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 7. As used in this article, “management plan” means a written document prepared by a district forester, or by a professional forester **or wildlife biologist** and approved by a district forester, which meets the following requirements:

(1) The plan is prepared in consultation with the owner **or an authorized representative of the owner** and signed by the owner or an authorized representative of the owner.

(2) The plan adequately describes the forest plantation land, ~~or~~ native forest land, **or wildland** being entered into classified ~~forest~~ status.

(3) The plan prescribes management practices for the classified ~~forest~~ land that:

(A) meet the objectives of the owner; and

(B) satisfy IC 6-1.1-6 and this article.

(4) The plan ~~supports tree growth that is comparable~~ **promotes with sustainable** timber production, **wildlife habitat management**, and **or** watershed protection **as appropriate to the land type**.

*(Natural Resources Commission; 312 IAC 15-1-7; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 6. 312 IAC 15-1-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-8 “Owner” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 8. As used in this article, “owner” means a person **or entity** who owns real estate that is classified as forest plantation land, ~~or~~ native forest land, **or wildland** under IC 6-1.1-6.

*(Natural Resources Commission; 312 IAC 15-1-8; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 7. 312 IAC 15-1-9 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-1-9 “Professional forester” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 9. As used in this article, “professional forester” means a person ~~who is not an employee of the department and~~ who holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters. *(Natural Resources Commission; 312 IAC 15-1-9; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 8. 312 IAC 15-1-11 IS ADDED TO READ AS FOLLOWS:

**312 IAC 15-1-11 “Wildlife biologist” defined**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 11. As used in this article, “wildlife biologist” means a person who holds a minimum of a bachelor of science degree in wildlife management or closely related curriculum.

SECTION 9. 312 IAC 15-2-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-2-1 Minimum standards of good ~~timber~~ resource management in maintenance of classified ~~forest~~ lands**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6-2; IC 6-1.1-6-3**

Sec. 1. The owner of land classified as a forest plantation under IC 6-1.1-6-2, **wildland under IC 6-1.1-6-2.5**, or a native forest under IC 6-1.1-6-3 shall do each of the following:

- (1) Maintain the land according to its management plan.
- (2) Prevent excessive erosion and control the deposition of sediment off-site.
- ~~(3) Maintain a healthy forest environment.~~

*(Natural Resources Commission; 312 IAC 15-2-1; filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 10. 312 IAC 15-2-4 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 15-2-4 Salvage of timber following natural catastrophes**

**Authority: IC 6-1.1-6-16**

**Affected: IC 6-1.1-6**

Sec. 4. If a sudden and unexpected natural catastrophe occurs, which seriously damages the merchantable trees within a classified ~~forest~~ area, the owner may immediately salvage the trees. *(Natural Resources Commission; 312 IAC 15-2-4; filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 11. 312 IAC 15-3-1 IS ADDED TO READ AS FOLLOWS:

**Rule 3. Alternative Parcel Description**

**312 IAC 15-3-1 Geographic information system alternative**

**Authority: IC 6-1.1-6-9**

**Affected: IC 6-1.1-6**

**Sec. 1. (a) The originator of the description and plat may use geographic information systems (GIS), in accordance with the state of Indiana GIS standard, with a county GIS tax parcel layer or a digitized property deed in conjunction with:**

- (1) a geo-referenced, digital aerial photo; or**
- (2) global positioning system (GPS) points with a minimum of three (3) meter accuracy;**

**to describe and plat the parcel.**

**(b) The parcel description must:**

- (1) describe parcel boundary by metes and bounds;**
- (2) locate the parcel with reference to a coordinate pair;**
- (3) give the projection and coordinate system used; and**
- (4) identify parcel by:**
  - (A) section;**
  - (B) township;**
  - (C) range; and**
  - (D) county.**

**The plat must be at the scale and the format prescribed by the department. All parcel descriptions and plats must be approved by the district forester. A description and plat developed under this rule is not a real property description.**